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09/815,824	03/22/2001	Wayne T. Karpoff	019417-000210US	6397

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT PAPER NUMBER

2144

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/815,824

**Applicant(s)**

KARPOFF, WAYNE T.

**Examiner**

Joseph R. Maniwang

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-36 and 38-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-36 and 38-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 26-28 recite the limitation "the first data communication network". There is insufficient antecedent basis for these limitations in the claims.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 25-36 and 38-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolf et al. (U.S. Pat. No. 6,463,508), hereinafter referred to as Wolf.
6. Regarding claim 30, Wolf disclosed a method and system comprising receiving, by a server, a request from a first client device over the data communication network,

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the request identifying streaming data content stored on a storage system (see column 4, lines 27-30); transmitting a data request message from the server to a first controller device associated with the storage system, the data request message identifying the first client device and the data content requested by the first client device (see column 31-35); retrieving a first block of the data content from the storage system by the first controller device (see column 4, lines 58-61); sending a second data request message from the first controller device to a second controller device associated with the storage system, the second data request message identifying the first client device and a second block of the data content (see column 5, lines 1-3); retrieving the second block of the data content from the storage system by the second controller device (see column 5, lines 1-3); transferring the first block of data directly to the first client device from the first controller device (see column 5, lines 15-17); sending a synchronization message from the first controller device to the second controller device (see column 5, lines 15-17); and in response to the synchronization message, transferring the second block of data directly to the first client device from the second controller device (see column 5, lines 21-24).

7. Regarding claim 31, Wolf disclosed the method and system wherein the steps of retrieving the data blocks, each include reading the data block from the storage system and applying one of an encryption and a decompression algorithm to the read data block (see column 8, lines 27-39).

8. Regarding claim 32, Wolf disclosed the method and system wherein the first and second controller devices are communicably coupled over a bus (see column 3, lines 23-25; Fig. 1).

9. Regarding claim 33, Wolf disclosed the method and system wherein the first and second controller devices are communicably coupled over a storage area network (see column 3, lines 23-25; Fig. 1).

10. Regarding claim 34, Wolf disclosed the method and system wherein the first and second controller devices are communicably coupled to the storage system over a storage area network (see column 3, lines 18-25; Fig. 1).

11. Regarding claim 35, Wolf disclosed the method and system wherein the first and second controller devices transfer the first and second data blocks over the data communication network at a faster rate than the rate at which the first and second data blocks are retrieved from the storage system (see column 5, lines 15-20).

12. Regarding claim 36, Wolf disclosed the method and system wherein the first controller device communicates with the storage system over a storage area network (see column 3, lines 18-25; Fig. 1).

13. Regarding claim 38, Wolf disclosed the method and system wherein the first controller device is located in a network switch device coupled to the data communication network (see column 3, lines 42-64; Fig. 2).

14. Regarding claim 25, Wolf disclosed the method and system wherein the first and second controller devices are located in geographically remote locations relative to each other (see column 8, lines 49-54).

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15. Regarding claim 26, Wolf disclosed the method and system wherein the first and second controller devices communicate over a second data communication network different from the first data communication network (see column 3, lines 18-25; Fig. 1).

16. Regarding claim 27, Wolf disclosed the method and system wherein the server communicates with the first controller device over the first data communication network (see column 3, lines 18-41; Fig. 1).

17. Regarding claim 28, Wolf disclosed the method and system wherein the second controller communicates with the first client device over the first data communication network (see column 3, lines 18-41; Fig. 1).

18. Regarding claim 29, Wolf disclosed the method and system wherein the second controller device communicates with the storage system over a storage area network (see column 3, lines 18-25; Fig. 1).

19. Regarding claim 39, Wolf disclosed a method and system comprising receiving, by a first controller device, a request sent by a first client device to a server over the data communication network, the request identifying streaming data content stored on a storage system, wherein the first controller device and the server are coupled by the data communication network (see column 4, lines 27-30); processing the request by the first controller device (see column 4, lines 30-31); and controlling, by the first controller device, the delivery of the requested streaming data directly to the first client device over the data communication network by both the first controller and a second controller device (see column 5, lines 15-17).

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20. Regarding claim 40, Wolf disclosed the method and system including retrieving, by the first controller device, a first portion of the streaming data content from the storage system over the SAN (see column 4, lines 58-61); and transferring the retrieved first portion of the data content directly to the first client device over the data communication network from the first controller device (see column 5, lines 15-17).
21. Regarding claim 41, Wolf disclosed the method and system further including sending the request to a server (see column 4, lines 27-30).
22. Regarding claim 42, Wolf disclosed the method and system further including notifying the server that the request is being processed by the first controller device (see column 4, lines 31-35).
23. Regarding claim 43, Wolf disclosed the method and system including transmitting a data request message from the first controller device to the second controller device, wherein the data request message identifies the first client device and the data content requested by the first client device, and wherein the second controller device is coupled to the storage system over a storage area network (SAN) (see column 5, lines 1-3); retrieving, by the second controller device, a second portion of the streaming data content from the storage system over the SAN (see column 5, lines 1-3); and transferring the second portion of the retrieved data content directly to the first client device over the data communication network from the second controller device (see column 5, lines 21-24).

24. Regarding claim 44, Wolf disclosed the method and system wherein the first and second controller devices are coupled by a communication bus (see column 3, lines 18-25; Fig. 1).

25. Regarding claim 45, Wolf disclosed the method and system wherein the communication bus is a PCI bus (see column 3, lines 18-25; Fig. 1).

26. Regarding claim 46, Wolf disclosed the method and system wherein the first controller device is located in a first network switch device coupled to the data communication network and wherein the second controller device is located in a second network switch device coupled to the data communication network (see column 3, lines 42-64; Fig. 2).

27. Regarding claim 47, Wolf disclosed the method and system wherein the first and second controller devices communicate over one of the data communication network and a back end network (see column 3, lines 42-64; Fig. 2).

### ***Response to Arguments***

28. Applicant's arguments with respect to claims 25-36 and 38-47 have been considered but are moot in view of the new ground(s) of rejection.

29. Examiner acknowledges Applicant's amendments to the Drawings/Specification in overcoming previous objections. The objections have been withdrawn.

30. Regarding the previous objection of claim 18, the claim has been cancelled and the objection has been withdrawn.



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31. Regarding claims 1-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Latif et al. (U.S. Pat. No. 6,400,730) in view of Pothapragada (U.S. Pat. No. 6,389,432), the rejections have been withdrawn. Examiner submits that the claimed limitations are taught by the prior art as detailed in the above rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Noe et al. (U.S. Pat. No. 5,832,309)

Douceur et al. (U.S. Pat. No. 6,401,126)

Arroyo et al. (U.S. Pat. No. 6,341,315)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM

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